REMARKS

Applicant requests reconsideration and allowance of the subject application. By this Amendment, Applicant has amended claims 1, 17, 28, 44, 46-48, 50 and 51, cancelled claims 2-10, 13, 15, 18-26, 29-37, 40, 42, 45 and 49, and added new claims 52-57. Claims 1, 17, 28, 44, 46-48, 50 and 51 have been amended to clarify the recited subject matter. Claims 2-10, 13, 15, 18-26, 29-37, 40, 42, 45 and 49 have been cancelled without prejudice or disclaimer of the recited subject matter. Claims 52-57 have been added to capture additional scope of Applicant's invention. The subject matter recited in amended claims 1, 17, 28, 44, 46-48, 50 and 51 and new claims 52-57 is supported by the originally filed claims and specification. Applicant respectfully traverses the rejections of the pending claims for the reasons that follow.[1]

Rejection Under 35 U.S.C. § 101

Applicant has amended claim 28 to recite, *inter alia*, "A tangible computer-readable medium ...". Applicant submits that claim 28 satisfies the requirements of Section 101 and respectfully requests the rejection of claims 28, 38, 39, 41 and 43 under Section 101 be withdrawn.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Applicant respectfully submits that the rejections of claims 2, 8-10, 24-26, 29, 35-37, 45-47 and 49-51 are moot in light of the changes to claims 1, 17, 28, 44, 46-48, 50 and 51 and the cancellation of claims 2-10, 13, 15, 18-26, 29-37, 40, 42, 45 and 49.

Rejection Under 35 U.S.C. § 102(e) and § 103(a)

Claim 1 incorporates the subject matter of former claim 2. To the extent that the rejection of former claim 2 under 35 U.S.C. § 103(a) as allegedly not being patentable over

---

[1] The Office Action contains statements characterizing the claims and related art. Regardless of whether any such statements are specifically addressed herein, Applicant's silence as to these characterizations should not be construed as acceptance of them.

U.S. Patent No. 6,795,434 to *Kumar et al.* ("*Kumar*") in view of U.S. Patent No. 7,039,724 to *Lavian et al.* ("*Lavian*") applies to claim 1, Applicant respectfully disagrees.

The Examiner concedes that *Kumar* does not disclose or suggest "the server computer [being] a password server computer having a public key to search for the address of the server computer." (Office Action, p. 10.) Thus, *Kumar* does not disclose or suggest, "a <u>password server computer</u> having a public key" and "[a] primary search procedure or [a] backup search procedure identif[ying] the server computer using the <u>public key</u>" (emphasis added), as recited in claim 1. *Lavian* does not overcome these deficiencies of *Kumar*.

The Examiner apparently relies on *Lavian* for its purported disclosure of using a public-key to encrypt network management command for a network device. (Office Action, p. 10, *citing Lavian*, col. 11, ll. 32-38.) *Lavian*, however, does not disclose or suggest anything with regard to a public key <u>identifying</u> a network device or server. Accordingly, *Lavian* also fails to disclose or suggest, a "search procedure <u>identif[ying]</u> the server computer using the public key," as recited in claim 1.

Thus, when *Kumar* and *Lavian* are taken individually or in any proper combination, these references fail to teach or suggest at least the above noted subject matter recited in claim 1. As such, *Kumar* and *Lavian* cannot support a rejection of clam 1 under Section 103(a). Claim 1 is, therefore, allowable over *Kumar* and *Lavian*. Claims 11, 12, 14 and 16 are also allowable over *Kumar* and *Lavian* at least due to their dependence from claim 1.

Independent claims 17, 28, 44 and 48 recite features similar to those recited in independent claim 1. Claims 17, 28, 44 and 48 are, therefore, allowable for the same reasons set forth above with regard to claim 1, and claims 27, 38, 39, 41, 43, 46, 47, 50 and 51 are allowable at least due to their corresponding dependence from claims 17, 28, 44 and 48.

New Claims

Claims 52-53:

New claim 52 incorporates subject matter formerly recited in claim 4. To the extent the rejection of former claim 4, as allegedly being anticipated by *Kumar* under 35 U.S.C. § 102(e), applies to claim 52, Applicant disagrees.

Kumar discloses a replicated server discovery method ("RSD") in which, if a requested URL host name is not found in a computer systems 200's local cache memory, a DNS lookup for the requested URL is performed. (*Kumar*, col. 5:26-45.) The Examiner apparently asserts that computer systems 200 and the DNS correspond to the "client computer" and "configuration record," recited in former claim 4. (Office Action, p. 4.) To the contrary, claim 4 recited "a configuration record of the client computer system." However, DNS is a <u>distributed database</u> for storing addresses of <u>all</u> websites. (*Kumar*, col. 5:26-45.) Thus, it cannot be considered to be "a configuration record <u>of the client computer system</u>" (emphasis added) as recited in claim 4. Accordingly, *Kumar* also does not disclose or suggest a "configuration record of the client computer system," as recited in claim 52.

Because *Kumar* fails to disclose or suggest the "configuration record" recited claim 52, it cannot support a rejection of claim 52. Therefore, claim 52 is allowable over *Kumar* and claim 53 is allowable at least due to its dependence from claim 52.

Claim 54:

New claim 54 incorporates subject matter formerly recited in claim 7. To the extent the rejection of former claim 7, as allegedly not being patentable under 35 U.S.C. § 103(a) over the purported combination of *Kumar* and *Lavian*, Applicant disagrees.

The Examiner concedes that *Kumar* does not disclose "using [an] authentication record to determine the network address of the server computer." (Office Action, p. 11.)

Accordingly, *Kumar* does not disclose or suggest the "authentication record" recited in claim 54.

However, the Examiner, asserts that *Lavian* discloses Applicant's "authentication record" by its purported disclosure of "authentication server 110 may also determine if a network device within communication system 100 has proper authorization to download an application." (Office Action, p. 11, *citing Lavian*, col. 4, ll. 21-34.) But *Lavian* appears to be silent with respect to "<u>searching an authentication record</u> for the network address of the server computer," as recited in claim 54.

Since *Kumar* and *Lavian* both fail to disclose or suggest the above-noted feature of claim 4, these references, taken individually or in any proper combination, cannot support a rejection of claim 54. Accordingly, claim 54 is allowable over the applied references.

<u>Claims 55-57:</u>

New claim 55 incorporates subject matter formerly recited in claim 8. To the extent the rejection of former claim 8, as allegedly not being patentable under 35 U.S.C. § 103(a) over the purported combination of *Kumar* and *Lavian*, Applicant disagrees.

The Examiner concedes that *Kumar* does not disclose "determining whether the server computer is running on the same CPU as [the] client compute." (Office Action, p. 12.) Accordingly, *Kumar* fails to disclose or suggest "determining whether the server computer is running on a CPU that is the same CPU on which the client computer is running in order to determine the network address of the server computer," as recited in present claim 55. *Lavian* does not cure this deficiency of *Kumar*.

The Examiner apparently relies on *Lavian* for its disclosure of accessing local network parameters on a local network device using a "loopback" address. (Office Action, p. 12, *citing Lavian*, col. 10, ll. 39-56.) However, *Lavian* does not disclose or suggest, "determining whether the server computer is running on a CPU that is the same CPU on

which the client computer is running," and the Examiner does not assert that *Lavian* makes any such disclosure or suggestion.

Accordingly, when *Kumar* and *Lavian* are taken individually or in any proper combination, these references fail to disclose or suggest the above noted feature of claim 55. Therefore, claim 55 is allowable over *Kumar* and *Lavian*, and claims 56-57 are also allowable at least due to their dependence from claim 55.

Conclusion

For at least the foregoing reasons, reconsideration and withdrawal of the rejections, and allowance of all claims is respectfully requested.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: <u>April 9, 2008</u>   By: <u>/Steven Ashburn/</u>
                                        Steven L. Ashburn
                                        Registration No. 56.636

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620